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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,931	02/02/2000	Takatoshi Yamanaka	1080.1079/JDH	5469

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EXAMINER

CHOOBIN, BARRY

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/495,931

Applicant(s)

YAMANAKA, TAKATOSHI

Examiner

Barry Choobin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 2, 4 – 6, 8 – 10, 12 – 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasano et al (US Patent 6,198,837).

As to claim 1, Sasano et al disclose an image processing apparatus for dealing with objects in an object system consisting of a plurality of objects each having a pair of image data representative of an image and image attribute information representative of an attribute of the image (column 8, lines 27 – 32), wherein the plurality of objects are linked in form of a hierarchy structure including a parentage, said image processing apparatus comprising:

Art Unit: 2625

object producing means for producing new objects, wherein when said object producing means produces new objects having a parent object, said object producing means sets up image attribute information of the parent object on the new objects now on production in form of a default (refer for example to column 7, lines 29 – 47, and column 8, lines 27 – 32).

As to claim 2, Sasano et al disclose an image processing apparatus for dealing with objects in an object system consisting of a plurality of objects each having a pair of image data representative of an image and image attribute information representative of an attribute of the image (column 8, lines 27 – 32), wherein the plurality of objects are linked in form of a hierarchy structure including a parentage, said image processing apparatus comprising:  
attribute altering means for altering image attribute information of existing objects (column 15, lines 61 – 66), wherein when said attribute altering means alters image attribute information of an object having a descendant object (column 16, lines 1 – 4), said attribute altering means causes image attribute information altered in image attribute information of an object to be altered to be reflected in the descendant object of the object to be altered.

As to claims 5, 6, 8, 13, 14 and 16, Sasano et al disclose image processing apparatus deals with a medical image, and the image attribute information includes patient information and photographic condition (column 8, lines 27 – 39).

Claims 4, 9 – 10, 12 are similarly analyzed and rejected as claims 1, 2.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 7, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasano et al in view of Sako (US Patent 5,978,562).

As to claims 3 and 11, Sasano et al disclose an image processing apparatus for dealing with objects in an object system consisting of a plurality of objects each having a pair of image data representative of an image and, image attribute information representative of an attribute of the image, wherein the plurality of objects are linked in form of a hierarchy structure including a parentage, said image processing apparatus comprising (see claim 1):

However, Sasano et al fail to teach an object deleting means for deleting existing objects, wherein when said object deleting means deletes an object having descendant objects, said object deleting means deletes also the descendant objects of an object to be deleted.

But on the other hand, Sako disclose an object deleting command entered by the higher level apparatus (see column 2, lines 48 – 60, column 13, lines 40 – 46 and Fig.17), on this manner, a deletion command from the higher level apparatus is not rejected and the higher level apparatus can be released as soon as possible (see abstract).

Art Unit: 2625

Therefor, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the apparatus of Sako with Sasano et al in order to reserve a storage area (column 13, lines 43 – 46).

As to claims 7 and 15, Sasano et al disclose image processing apparatus deals with a medical image, and the image attribute information includes patient information and photographic condition (column 8, lines 27 – 39).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A: US Patent 6,333,963 to Kaifu et al.

B: US Patent 5,502,576 to Ramsay et al.

C: US Patent 6,456,405 to Horikoshi et al.

D: US Patent 5,627,554 to Jefferson.

E: US Patent 5,898,430 to Matsuzwa et al.

F: US Publication 2003/0002629 to Takasawa.

G: US Publication 2002/0109859 to Tripirneni.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone numbers for the organization

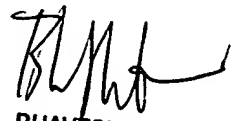
Art Unit: 2625

where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Barry Choobin

July 7, 2003

  
BHAVESH M. MEHTA  
SUPERVISORY PATENT EXAMINER  
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